

**UNITED STATES DISTRICT COURT  
SOUTHERN DISTRICT OF INDIANA  
INDIANAPOLIS DIVISION**

UNITED STATES OF AMERICA,	)	
	)	
Plaintiff,	)	
	)	
v.	)	Case No. 1:17-cr-00165-TWP-MJD-04
	)	
ANGELICA NAOMI GUZMAN-CORDOBA	)	
	)	
Defendant.	)	

**ENTRY DENYING DEFENDANT CORDOBA’S  
MOTION FOR DETENTION HEARING**

This matter is before the Court on Defendant Angelica Naomi Guzman-Cordoba’s (“Cordoba”) Motion for Detention Hearing ([Filing No. 337](#)). In her Motion, Cordoba acknowledges that “under the law, she is not entitled to a detention hearing at this point.” (*Id.*). The United States agrees and opposes the Motion. For the reasons set forth below, the Motion is **denied**.

**DISCUSSION**

Cordoba first appeared in federal court on July 19, 2017 on a Complaint charging her and several co-defendants with drug trafficking offenses. ([Filing No. 24](#).) After being advised of her right to a detention hearing, she submitted a written waiver of that right on July 24, 2017, ([Filing No. 39](#)). The waiver stated, “the defendant understands that [s]he will be detained until time of trial.” (*Id.*)

Cordoba is now charged in a Second Superseding Indictment with Count One, Conspiracy to Distribute Controlled Substances, and Count Seven, Distribution of Methamphetamine. ([Filing No. 237](#).) The trial in this case was previously scheduled to begin on December 3, 2018, however, on October 17, 2018, the Court declared the instant case complex, and over the objection of

Cordoba, granted motions to continue the December 3, 2018 trial and re-scheduled the trial for April 15, 2019. ([Filing No. 327](#).) Cordoba seeks a detention hearing “to set forth all the reasons for her request to be released pending the new trial date because the scheduled trial date has been continued over her objection.” ([Filing No. 337](#).)

A pretrial detention hearing:

may be reopened, before or after a determination by the judicial officer, at any time before trial if the judicial officer finds that information exists that was not known to the movant at the time of the hearing and that has a material bearing on the issue whether there are conditions of release that will reasonably assure the appearance of such person as required and the safety of any other person and the community.

18 U.S.C. § 3142(f) (“§ 3142(f)”). The Government argues that the Court should deny Cordoba’s Motion because the requirements under § 3142(f) are not met to reopen the detention hearing. They contend that at the time of her waiver, Cordoba was aware of the nature of the case and its complexity, and the likelihood that an extended timetable might follow. The Government further argues that Cordoba fails to explain how the continuance could have a “material bearing” on the issue of detention.

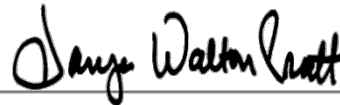
The factors for the Court to consider when making the detention determination include the nature and circumstances of the offense, the weight of the evidence against the defendant, the history and characteristics of the defendant, and the danger posed by the defendant’s release. 18 U.S.C. § 3142(g). Section 3142(f) of the statute requires Cordoba to present information unknown to her at the time of her detention waiver that would have a material bearing on the issue of detention. Cordoba’s request for a hearing so that she can “set forth her reasons” for a detention hearing is not persuasive. Cordoba has not addressed any of the statutory factors and has not asserted any information that would constitute a basis for a detention hearing at this stage of the proceedings. The information asserted by Cordoba—an objection to a continued trial date—has

no “material bearing on the issue of whether there are conditions of release that will reasonably assure the appearance of such person as required and the safety of any other person and the community.” *See* 18 U.S.C. § 3142(f). Although the case has been superseded twice, Cordoba has not challenged the weight of the evidence against her or alleged any change in the nature and circumstances of the offenses, her history or characteristics. Accordingly, the Court finds that Cordoba’s concerns do not warrant reconsideration of the detention order and her Motion for Detention Hearing ([Filing No. 337](#)) is **DENIED**.

The Court acknowledges that Cordoba has been detained pretrial for nearly 16 months and that she maintains her innocence. The parties should prepare for trial as scheduled on April 15, 2019 as the Court is not inclined to grant any further continuances.

**SO ORDERED.**

Date: 11/27/2018



TANYA WALTON PRATT, JUDGE  
United States District Court  
Southern District of Indiana

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